

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NUMBER:

IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION 19-md-02875

TELEPHONIC STATUS
CONFERENCE

Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101
November 30, 2022
Commencing at 1:00 p.m.

B E F O R E: THE HONORABLE THOMAS I. VANASKIE (RET.)
SPECIAL MASTER

A P P E A R A N C E S:

MAZIE SLATER KATZ & FREEMAN, LLC
BY: ADAM M. SLATER, ESQUIRE
103 Eisenhower Parkway
Roseland, New Jersey 07068
For the Plaintiffs

LEVIN PAPANTONIO THOMAS MITCHELL RAFFERTY PROCTOR, P.A.
BY: DANIEL A. NIGH, ESQUIRE
316 S. Baylen, Suite 600
Pensacola, Florida 32502
For the Plaintiffs

SERIOUS INJURY LAW GROUP P.C.
BY: BRANDON PRICE-CRUM, ESQUIRE
PO Box 781
Montgomery, Alabama 36101
For the Plaintiffs

Ann Marie Mitchell, Official Court Reporter
AnnMarie_Mitchell@njd.uscourts.gov
(856) 576-7018

Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 **A P P E A R A N C E S (Continued):**

2
3 PARAFINCUK WOLF, P.A.
4 BY: STEVEN D. RESNICK, ESQUIRE
5 9050 Pines Boulevard, Suite 450-02
6 Pembroke Pines, Florida 33024
7 For the Plaintiffs
8

9
10 KIRTLAND & PACKARD LLP
11 BY: BEHRAM V. PAREKH, ESQUIRE
12 1638 South Pacific Coast Highway
13 Redondo Beach, California 90277
14 For the Plaintiffs
15

16 RIVERO MESTRE LLP
17 BY: ANDRES RIVERO, ESQUIRE
18 2525 Ponce De Leon Boulevard, Suite 1000
19 Miami, Florida 33134
20 For the Plaintiffs
21

22 GREENBERG TRAURIG LLP
23 BY: STEVEN M. HARKINS, ESQUIRE
24 3333 Piedmont Road, NE, Suite 2500
25 Atlanta, Georgia 30305
26

27 BY: GREGORY E. OSTFELD, ESQUIRE
28 77 West Wacker Drive, Suite 3100
29 Chicago, Illinois 60601
30 For the Defendants, Teva Pharmaceutical Industries Ltd.,
31 Teva Pharmaceuticals USA, Inc., Actavis LLC,
32 and Actavis Pharma, Inc.
33

34 **ALSO PRESENT:**

35
36 LORETTA SMITH, ESQUIRE
37 Judicial Law Clerk to The Honorable Robert B. Kugler
38
39 Larry MacStravic, Courtroom Deputy
40
41

42
43
44
45

1 (PROCEEDINGS held telephonically before The Honorable
2 Thomas I. Vanaskie (Ret.), Special Master at 1:00 p.m.)

3 SPECIAL MASTER VANASKIE: Good afternoon. This is
4 Tom Vanaskie.

5 Do we have a court reporter on?

6 COURT REPORTER: Hi, Judge. It's Ann Marie Mitchell.

7 SPECIAL MASTER VANASKIE: I know that there's no
8 issues. My understanding is at least going into today that
9 there aren't any issues to address with me.

10 Judge Kugler is under the weather, and I've been
11 asked to conduct this case management conference.

12 Let's give a couple more minutes for the callers to
13 arrive, and then we'll go through the agenda, which shouldn't
14 take us very long.

15 I hope everyone had a -- to the extent you all can, a
16 relaxing Thanksgiving break and a good Thanksgiving.

17 And we'll get started with the call now.

18 Who will be the spokesperson for the plaintiff?

19 MR. SLATER: Hi, Judge. It's Adam Slater. And happy
20 holidays to you too.

21 It won't be me. There will be people addressing
22 things as we go issue by issue.

23 SPECIAL MASTER VANASKIE: Okay. Very well.

24 And do we have a spokesperson for the defense?

25 MR. OSTFELD: Your Honor, this is Greg Ostfeld. I'll

1 be addressing the first agenda item, and I believe Steve
2 Harkins will be addressing the second agenda item.

3 SPECIAL MASTER VANASKIE: Okay. Very well. Thank
4 you.

5 I'll ask to follow our standard protocol. When
6 you're not speaking, please mute your phones. And also,
7 please don't put us on hold so we don't end up with any music.
8 All right? So thank you all very much.

9 And you're right, Mr. Slater, to start off with happy
10 holidays. We are in the holiday season now.

11 And let's go through the agenda.

12 The first issue I have is this whole briefing
13 schedule on plaintiff MSP's motion to seal.

14 And there doesn't seem to be any dispute here and is
15 something we could issue an order that grants the request,
16 that is, MSP's opening brief would be submitted by December
17 16th. It would not be necessary. Hopefully you'll work it
18 out. But if it is necessary, December 16th would be the
19 deadline for that brief, and then the defendant's response
20 would be due January 6, 2023.

21 Anything else to present on that issue?

22 (No response.)

23 SPECIAL MASTER VANASKIE: Hearing none --

24 MR. OSTFELD: Nothing for defendants, Your Honor.

25 MR. RIVERO: Nothing for MSP, Your Honor.

1 SPECIAL MASTER VANASKIE: All right. Very well. So
2 we'll go ahead and issue an order that sets that as the
3 schedule on the motions to seal.

4 Is there anything else to present today besides the
5 fact deficiencies and orders to show cause?

6 | (No response.)

7 SPECIAL MASTER VANASKIE: All right. Hearing none,
8 we'll proceed with the plaintiff fact deficiencies.

9 The cases that were addressed at the October 27, 2022
10 case management conference, ten show cause orders were issued.

11 We've received your letter report.

12 I understand that withdrawn is the Estate of
13 Bernhardt, B-E-R-N-H-A-R-D-T, v. Walgreens.

14 Also withdrawn is the matter of Howard Engel,
15 E-N-G-E-L, v. Aurobindo. That's withdrawn as well.

16 Are there any other developments with respect to the
17 show cause orders?

18 Let me stop for a second and say, I also understand
19 that the matters of the Estate of -- the matters that remain
20 unresolved are the Estate of Chikhi, C-H-I-K-H-I; Yvonne
21 Baker; Rose McCarty, M-C-C-A-R-T-Y; Bobby Yount, Y-O-U-N-T;
22 and Robert Parker.

23 Have there been any developments in any of those
24 matters?

25 MR. HARKINS: Good afternoon, Your Honor. This is

1 the Steve Harkins for the Joint Defense Group and the Teva
2 defendants.

3 I have three updates for the list. Defendants have
4 agreed to continue the orders to show cause in McCarty, number
5 5; Yount, number 6; and Parker, number 7 on our list to the
6 next case management conference.

7 SPECIAL MASTER VANASKIE: Okay.

8 MR. HARKINS: Therefore, at this time defendants are
9 only requesting dismissal in three matters: The Chikhi, Baker
10 and Johnson matters.

11 SPECIAL MASTER VANASKIE: Number 9, okay.

12 We'll issue an order recommending the dismissal of
13 those three matters, Chikhi, Baker and Johnson. The other
14 three will be continued to the next case management
15 conference.

16 MR. PAREKH: Your Honor, this Behram Parekh on behalf
17 of plaintiffs.

18 There may be some other counsel on the line for those
19 matters, so if we could just ask if any of them are wanting to
20 speak on this.

21 SPECIAL MASTER VANASKIE: Thanks, Mr. Parekh.

22 Does anyone want to be heard on those matters?

23 MR. RESNICK WITNESS: Judge Vanaskie, my name is
24 Steven Resnick from Parafinczuk Wolf.

25 Thanks, Mr. Parekh. I appreciate it.

1 I can speak to Chikhi and Baker.

2 We're pretty confident that we've made every effort
3 we can to cure the deficiencies in those cases and we're
4 simply unable to do so, and we're amenable to having those
5 matters dismissed, Chikhi and Baker. I think it's number 1
6 and 2.

7 SPECIAL MASTER VANASKIE: They're number 2 and 3 on
8 the list.

9 MR. RESNICK: 2 and 3. Sorry, Judge. 2 and 3.

10 SPECIAL MASTER VANASKIE: Okay.

11 THE LAW CLERK: Judge Vanaskie, excuse me, this is
12 Loretta.

13 I just want to confirm with Mr. Harkins, because I
14 don't see -- I didn't hear two cases that remain unresolved,
15 and they weren't mentioned.

16 So Bernhardt and Engel that are -- the orders to show
17 cause will be dismissed.

18 Mirabile and Long, they will be continued.

19 Is that correct, Mr. Harkins?

20 MR. HARKINS: Yes, that's correct. For Mirabile and
21 Long, we would ask to continue those to the next case
22 management conference.

23 THE LAW CLERK: Okay. As well as Chikhi, Baker and
24 Johnson?

25 MR. HARKINS: No, I'm sorry. So Mirabile and Long

1 we're asking for continuation to the next case management
2 conference.

3 THE LAW CLERK: Correct.

4 MR. HARKINS: We are also asking for continuation to
5 the next case management conference for McCarty, Yount and
6 Parker.

7 THE LAW CLERK: Okay. Thank you.

8 Thank you, Judge.

9 SPECIAL MASTER VANASKIE: And just so we're clear on
10 this, Chikhi, which is number 2 on the list, will be
11 dismissed. An order will be issued recommending dismissal.

12 The same for number 3 on the list, Yvonne Baker.

13 And the same for number 9 on the list, the Estate of
14 Johnson.

15 Any modification or correction?

16 MR. HARKINS: That's correct for defendants, Your
17 Honor.

18 SPECIAL MASTER VANASKIE: All right. And hearing
19 nothing on behalf of those individual plaintiffs, we'll issue
20 an order recommending dismissal.

21 Now, you're asking for orders to show cause to be
22 entered for the 18 cases listed here on pages 3 through 7 of
23 the letter, of the agenda letter.

24 Is there any development with respect to those 18
25 cases?

1 MR. HARKINS: Your Honor, Steve Harkins again.

2 We have three updates on that list.

3 The requests can be withdrawn in case number 2,
4 Dennis Macabuhay; case number 4, Estate of Eloise Allen; and
5 case number 10, Ina Roddey. So at this time defendants can
6 remove those three from the list, but we are requesting orders
7 to show cause returnable at the next case management
8 conference in the other 15 matters.

9 SPECIAL MASTER VANASKIE: All right. So an order to
10 show cause will be issued in -- on number 1 on page 3, Estate
11 of Clifford Conley, C-O-N-L-E-Y.

12 Any objection to the issuance of a show cause order
13 in the Estate of Clifford Conley?

14 (No response.)

15 SPECIAL MASTER VANASKIE: We'll issue an issue to
16 show cause in number 3 on the list, Estate of Daniel Kwoka,
17 K-W-O-K-A.

18 Any objection to the issuance of a show cause order
19 in number 3?

20 MR. NIGH: Your Honor, this is Daniel Nigh, plaintiff
21 for this case and also the other ones that are listed as Levin
22 Papantonio.

23 This is another one of those that's billing expenses.
24 We just want to continue our standing objection that for
25 billing records, we do not believe that that rises to a core

1 deficiency that would necessitate dismissal.

2 I just want to keep that continued on the record, but
3 we've been able to continue to work these out with the
4 defendants before we've reached that issue.

5 SPECIAL MASTER VANASKIE: All right. Very well.
6 Thanks for preserving the issue.

7 We'll have the order to show cause issued.

8 I'm using "issue" too often.

9 But it is appropriate that you preserve the issue.

10 All right. We'll move to case number 5, Carrie
11 Collins, C-O-L-L-I-N-S.

12 Any objection to the issuance of a show cause order,
13 Carrie Collins?

14 (No response.)

15 SPECIAL MASTER VANASKIE: All right. An order to
16 show cause will be issued in that.

17 The next case is Maritza, M-A-R-I-T-Z-A, Hernandez.

18 Any objection -- are you raising issues with respect
19 to these -- preserving issues with respect to these matters as
20 well, Mr. Nigh?

21 MR. NIGH: Yes, Your Honor. We've got number 6 and
22 number 7, the same issue, which is the only deficiency is
23 medical expense records.

24 SPECIAL MASTER VANASKIE: Okay. Does anyone else
25 want to be heard on item 6 or 7?

1 (No response.)

2 SPECIAL MASTER VANASKIE: All right. Orders to show
3 cause will be issued in those cases.

4 And you have preserved the question of whether or not
5 that's a core deficiency, the need for medical expense
6 records.

7 The next item on the list is Willie Quarles,
8 Q-U-A-R-L-E-S.

9 Any objection to the issuance of a show cause order
10 for Willie Quarles' case?

11 (No response.)

12 SPECIAL MASTER VANASKIE: All right. An order to
13 show cause will be issued in that.

14 The next item on the list is Larry Bass, B-A-S-S.

15 Any objection to the issuance of a show cause order
16 in that case?

17 (No response.)

18 SPECIAL MASTER VANASKIE: All right. An order to
19 show cause will be issued.

20 Now we're at number 11 on the list. This is the
21 Estate of Candace King.

22 I take it you're preserving your issue on this one,
23 Mr. Nigh?

24 MR. NIGH: Yes, Your Honor.

25 SPECIAL MASTER VANASKIE: Or no?

1 Okay. But an order to show cause will be issued on
2 this.

3 The next item on the list is Robert Bailey,
4 B-A-I-L-E-Y.

5 Any objection to the issuance of a show cause order
6 on this issue -- on this case?

7 (No response.)

8 SPECIAL MASTER VANASKIE: The next five cases all
9 involve Nabers, N-A-B-E-R-S, Law.

10 Are there objections to the issuance of a show cause
11 order in the matter of Thomas Amoia, A-M-O-I-A?

12 (No response.)

13 SPECIAL MASTER VANASKIE: All right. An order to
14 show cause will be issued in that.

15 The next matter is Robert Lewis.

16 Any objection to the issuance of a show cause order
17 in the Robert Lewis case?

18 (No response.)

19 SPECIAL MASTER VANASKIE: All right. An order to
20 show cause will be issued on that matter.

21 The next matter is Brian Thompson, T-H-O-M-P-S-O-N.

22 Any objection to the issuance of an order to show
23 cause in that matter?

24 (No response.)

25 SPECIAL MASTER VANASKIE: All right. We'll have an

1 order to show cause issued in that matter.

2 The next case is Renne, R-E-N-N-E, Bishop.

3 Any objection to the issuance of an order to show
4 cause in that matter?

5 (No response.)

6 SPECIAL MASTER VANASKIE: All right. We'll issue an
7 order to show cause in that matter.

8 The last matter is Mona Clark.

9 Any objection to the issuance of an order to show
10 cause in Mona Clark's case?

11 (No response.)

12 SPECIAL MASTER VANASKIE: All right. And the final
13 matter is Elie Greene, G-R-E-E-N-E.

14 Any objection to the issuance of an order to show
15 cause in that case?

16 MR. PRICE-CRUM: Yes, Your Honor. My name is Brandon
17 Price-Crum. I am here on behalf of the Greene estate.

18 We are currently in the process of getting an estate
19 opened. We are literally just waiting on letters of
20 administration to be granted and returned to us. We have
21 already worked with our probate lawyer to file the petition.
22 I think once that occurs, we can cure any defects.

23 SPECIAL MASTER VANASKIE: All right.

24 MR. PRICE-NUM: So we just ask that it be continued
25 until the next case meeting if the Court is amenable to that.

1 MR. HARKINS: Your Honor, defendants have no
2 objection to continuing that case for another 30 days.

3 SPECIAL MASTER VANASKIE: All right. So that case
4 will be continued to the next case management conference.

5 MR. PRICE-CRUM: Thank you.

6 SPECIAL MASTER VANASKIE: All right. That deals with
7 the second listing cases.

8 First listing cases on pages 8 and 9 of the agenda
9 there, are there any updates with respect to those cases?

10 MR. HARKINS: No updates from the defense, Your
11 Honor. We would just ask that they be continued and be added
12 on next month's agenda.

13 SPECIAL MASTER VANASKIE: All right. Those cases
14 will be continued to next month's agenda.

15 They are the Estate of James; the Estate of Gale,
16 G-A-L-E, Barber; Mary Ann Knudson, K-N-U-D-S-O-N; Kenneth
17 Bacque, B-A-C-Q-U-E, III; Diana R. Balay, B-A-L-A-Y, as
18 Personal Representative of Esteban Rodriguez; the Estate of
19 Jeane, J-E-A-N-E, Herscher, H-E-R-S-C-H-E-R; Estate of Juanita
20 Calhoun; Estate of Max Schwartz; and James Huse, H-U-S-E.
21 They will be continued to the next CMC.

22 Is there anything else for us to address today?

23 (No response.)

24 SPECIAL MASTER VANASKIE: All right. Well, a nice
25 short and sweet call.

1 Hearing nothing else, we'll adjourn for today until
2 our next conference call.

3 RESPONSE: Thank you, Your Honor.

4 SPECIAL MASTER VANASKIE: Thank you, all.

5 (Proceedings concluded at 1:19 p.m.)

6 - - -

7 I certify that the foregoing is a correct transcript
8 from the record of proceedings in the above-entitled matter.

9
10 /S/ Ann Marie Mitchell, CCR, CRR, RDR, RMR
11 Official Court Reporter

12 30th day of November, 2022
13 Date

14

15

16

17

18

19

20

21

22

23

24

25